IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No.1099 of 2005

and

WRIT PETITION No.7071 of 2004

Between:

Sri Gangineni Sambaiah S/o Kondaiah
Sri Trikoteswara Swamy Educational Society,

Narasaraopet & President, NBT & NVC. College
Narasaraopet, Guntur District

..... APPELLANT

AND

1 Government of Andhra Pradesh,

Dept of Higher Education,

Secretariat Buildings, Hyderabad
rep by Principal Secretary and 3 others.

.....RESPONDENTS

COMMON ORDER: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

This appeal has been filed against the order of the learned single Judge passed in W.V.M.P.No.3098 of 2004 in W.P.No.7071 of 2004, dated 06-06-2005, by which the learned single Judge recalled the interim order passed earlier. The prayers made in the writ petition are so curious that they need to be reproduced:

> '(a) directing the respondents 1 and 2 to complete the enquiry pursuant to show cause notice dated 22-1-1996 issued by them against the 4th respondent
>
> (b) directing the Additional Senior Civil Judge, Narsaraopet, to return all the proceedings in O.S.No.70 of 2004 including the proceedings in I.A.No.433 of 2004 as without jurisdiction.
>
> (c) to direct the third respondent to proceed with the election to the office bearers of Sri Trikoteswara Swamy Educational Society, Narsaraopet pursuant to his notice dated 6th April, 2004 and issue
>
> (d) further direction to the respondents 1 to 3 not to accept, entertain, any claims by the 4th respondent that he as Secretary of Sri Trikoteswara Swamy Educational Society convened a General Body meeting that in such meeting certain elections were held and in such election some or others are elected as office bearers of the society or the college and to pass such other orders as may be deemed fit in the circumstances of the case.

These prayers have been made solely on the basis that there were earlier orders of a Division Bench of this Court, therefore, no suit would lie. We are afraid these matters cannot be decided by this Court in its jurisdiction under Article 227 of the Constitution of India. If the petitioner feels that a suit would not lie, he is at liberty to seek impleadment before the Civil Court and take all defences that are possible for him to be taken. We feel, even otherwise, the learned single Judge has passed an order vacating the interim order on the ground that the elections to the Society had been held, and elected body was managing the affairs of the College. This is the *prima facie* finding given by the learned single Judge, when the learned single Judge was informed that there was an elected body.

We agree with the learned single Judge that there was no cause for continuing the interim order granted earlier, and dismiss the Writ Appeal. We feel that the Writ Petition itself is misconceived. While dismissing the appeal, we also

dismiss the Writ Petition. No costs.

(Bilal Nazki, A.C.J)

5th September, 2005

(R.Subhash Reddy, J)

LUR